

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK----- x  
MUDDY BITES, INC.,

Plaintiff,

-against-

24-cv-7089 (LAK)

EVERGREEN USA LLC, etc. et al.,

Defendants.

----- x  
**ORDER**

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DATE FILED: 1/21/25

LEWIS A. KAPLAN, *District Judge*.

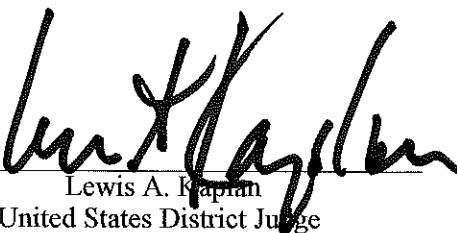
Defendant Evergreen USA LLC moves to dismiss the complaint and, in the alternative, to transfer this action to the District of New Jersey. Dkt. 14. Following the filing of the motion, plaintiff filed an amended complaint. Accordingly, insofar as the motion seeks dismissal of the original complaint, it is moot.

The alternative transfer motion, on the other hand, is without merit. The basis of that request for relief is said to be the convenience of the parties and witnesses, chiefly the defendant Evergreen and its personnel. Evergreen, however, is headquartered and has its principal place of business in Hoboken, N.J., which actually is significantly closer to this Court than it is to the closest place at which the District of New Jersey holds, court, i.e., Newark. It is at least as easy to reach this Court from Hoboken as it is to reach Newark. There is convenient ferry, rail<sup>1</sup> and vehicular access to this Court's lower Manhattan location. And the difference in distance and ease of travel between the two courts is essentially trivial. While it is true that the plaintiff has no significant presence in either district, and its choice of this forum therefore is of limited significance, there is no reason to disturb it.

Accordingly, defendant Evergreen's motion (Dkt 14) is denied as moot insofar as it seeks dismissal of the original complaint and denied with prejudice insofar as it seeks transfer.

SO ORDERED.

Dated: January 18, 2025



Lewis A. Kaplan  
United States District Judge

<sup>1</sup>

The Court is aware of the scheduled 25-day closure of the Hoboken station of the PATH rail system.